

Appl. No. : 10/783,053  
Filed : February 19, 2004

#### REMARKS

Applicants have canceled pending Claims 62-109 without prejudice or disclaimer and now present new Claims 110-125. No new matter has been introduced by these amendments.

#### Drawings

The Examiner has objected to the drawings under 37 CFR 1.83(a) because they fail to show the distinction among the various variables cited in the legend. A copy of all the drawings, free from the defects objected to by the Examiner, is respectfully submitted herewith. As such, Applicants respectfully request withdrawal of the Examiner's objection to the drawings under CFR 1.83(a).

#### Information Disclosure Statement

The Examiner has objected to the information disclosure statement filed July 26, 2004. A new information disclosure statement, free from the defects objected to by the Examiner, will follow shortly hereafter.

#### 35 U.S.C. §112 ¶ 2

The Examiner has rejected Claims 63 and 80-94 under U.S.C. §112 ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In light of the amendments to the claims, the Examiner's rejection is moot. Applicants respectfully request withdrawal of the rejection under U.S.C. §112 ¶ 2 and that the now pending claims be found to be in condition for allowance

#### 35 U.S.C. §112 ¶ 1

The Examiner has rejected Claims 62-63 and 65-94 under 35 U.S.C. §112 ¶ 1. The Examiner contends that the specification, while being enabling for a method of inhibiting replication of HIV *in vitro* comprising providing an effective amount of alpha hydroxyglycinamide or a pharmaceutically acceptable salt thereof to a cell culture, does not

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reasonably provide enablement for a method of inhibiting replication of HIV in a subject infected with the virus.

The claims, as amended, no longer claim a method of inhibiting replication of HIV in a subject infected with HIV. The amended claims are drawn to a method of inhibiting replication of HIV *in vitro* comprising providing an effective amount of alpha hydroxyglycinamide or a pharmaceutically acceptable salt thereof to a cell culture. As the Examiner has conceded that the specification provides adequate support for the claimed subject matter, Applicants respectfully request the withdrawal of the rejection under U.S.C. §112 ¶ 2 and that the now pending claims be found to be in condition for allowance

**Non-Statutory Double Patenting**

The Examiner has provisionally rejected Claims 62-62 and 65-94 as allegedly being unpatentable over Claims 20-22 and 28-33 of U.S. Patent Application Serial No. 11/409,671. Additionally, the Examiner has provisionally rejected Claims 62-62 and 65-94 as allegedly being unpatentable over Claims 2-12 of U.S. Patent Application Serial No. 11/410,633. Further, the Examiner has provisionally rejected Claims 62-62 and 65-94 as allegedly being unpatentable over Claims 63-67 and 69-70 of U.S. Patent Application Serial No. 10/920,831.

Applicants submit herewith a Terminal Disclaimer that disclaims any patent term that extends beyond U.S. Patent Application Nos. 11/409,671, 11/410,633, or 10/920,831. Accordingly, Applicants respectfully submit that any Non-Statutory Double Patenting issues concerning these applications or patents that issue therefrom have been addressed.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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